

1 U.S. ARMY CORPS OF ENGINEERS

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3

PUBLIC HEARING

4

RE: REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT

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POPLAR, MONTANA
OCTOBER 10, 2001
7:00 P.M.

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Personnel in Attendance:

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Lt. Col. David Ubbelohde

14

Larry Cieslik

Rose Hargrave

Roy McAllister

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Paul Johnston

Richard Moore

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Patti Lee

Jody Farhart

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John LaRondeau

Betty Newhouse

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Witnesses:

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Mark Wilson

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Buzz Mattelin

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1 BE IT REMEMBERED, that on October 10, 2001, at the
2 American Legion, Poplar, Montana, before Hearing Officer
3 Lt. Col. David Ubbelohde, the following proceedings were
4 had:

5 (Proceedings commenced at 7:00 p.m.)

6 LTC. UBBELOHDE: Good evening. If we could get
7 started.

8 Welcome to this evening's comment session on the
9 Revised Draft Environmental Impact Statement for the
10 Missouri River Master Manual.

11 My name is Lt. Col. Ubbelohde, Commander of the Omaha
12 District for the U.S. Army Corps of Engineers. With me
13 tonight are the members of the team that prepared the
14 Revised Draft Environmental Impact Statement. They are
15 Larry Cieslik, Roy McAllister, Richard Moore, John
16 LaRondeau, Patti Lee, Rosemary Hargrave, Paul Johnston,
17 Jody Farhart, and Betty Newhouse.

18 This is the second of fourteen sessions from Helena
19 to New Orleans. This afternoon we conducted an open house
20 workshop. I hope that many of you were able to stop by
21 and study some of the displays, pick up handouts and talk
22 to our staff. If you weren't, please take a few moments
23 this evening to visit the displays set up in the room next
24 door.

25 Our agenda tonight will start with a short video.

1 There's a welcome from Col. David Fastabend, the
2 Northwestern Division Commander, followed by a description
3 of the projects, the features of the Revised Draft
4 Environmental Impact Statement and the major impacts.

5 We want everyone to have a common understanding of
6 the RDEIS. Copies of the summary and handouts, as well as
7 the entire document, are available at libraries and
8 project offices throughout the basin. Also, you can get a
9 copy by writing to us or off of our web site. Addresses
10 are available, so just see one of our team members.

11 Following the video, I will give a little fuller
12 description of the comments process tonight and then take
13 your comments. We'll stay as long as necessary for
14 everyone to be heard. With that, we'll begin.

15 (Video presentation.)

16 LT. COL. UBBELOHDE: This hearing session will come
17 to order.

18 Good evening, ladies and gentlemen. My name is Lt.
19 Col. Ubbelohde, Commander of the Omaha Engineer District,
20 U.S. Army Corps of Engineers, and I will be the Hearing
21 Officer for tonight's session.

22 Our purpose this evening is to conduct a public
23 hearing on proposed changes to the guidelines of the
24 Missouri River Mainstem system operations.

25 I would like to acknowledge and thank the Assiniboine

1 and Sioux Tribes of Fort Peck for requesting and
2 participating in this public hearing. This hearing is
3 held in the true spirit of government-to-government
4 relations that the Corps of Engineers wants to maintain
5 with the tribes in the Missouri River basin.

6 Assisting me this evening are Larry Cieslik, Rose
7 Hargrave, Roy McAllister, Paul Johnston, Rick Moore, Patti
8 Lee, Jody Farhart, John LaRondeau and Betty Newhouse.
9 These folks will be available after the hearing if you
10 have any questions.

11 Before I proceed, I want to recognize any elected
12 officials or representatives that may be present. Are
13 there any elected officials here? Okay.

14 This hearing is being recorded by Lisa Devine. She
15 will be taking verbatim testimony that will be the basis
16 for the official transcript and a record of this hearing.
17 This transcript, with all written statements and other
18 data, will be made a part of the Administrative Record for
19 Action.

20 Persons who are interested in obtaining a record of
21 the transcript for this session or another session can do
22 so. A copy of this transcript will be provided to
23 participating tribes. Persons interested in receiving a
24 copy need to indicate this on one of the cards available
25 at the table by the entrance. Also, if you are not on our

1 mailing list and desire to be so, please indicate so on
2 one of the cards as well.

3 In order to conduct an orderly hearing, it is
4 essential that I have a card from anyone desiring to speak
5 that gives your name, and if you are representing anyone
6 other than yourself, please state that as well. If you
7 desire to make a statement and have not filled out a card,
8 please raise your hand and we will make a card available
9 to you.

10 The primary purpose of tonight's session is to help
11 ensure that we have all the essential information that we
12 need to make our decision on establishing the guidelines
13 for the future operations of the Mainstem system and that
14 this information is accurate. This is your opportunity to
15 provide us with some of that information. We view this as
16 a very important opportunity for you to have an influence
17 on that decision; therefore, I'm glad that you're here
18 tonight.

19 I want you to remember that tonight's forum is to
20 discuss the proposed changes in the operation of the
21 Missouri River Mainstem system that are analyzed in the
22 recently released Revised Draft Environmental Impact
23 Statement. We should concentrate our efforts this evening
24 on issues specific to that decision and should refrain
25 from discussing the Corps of Engineers in general.

1 It is my intention to give all interested parties an
2 opportunity to express their views on the proposed changes
3 fully, freely and publicly. It is in the spirit of
4 seeking full disclosure and providing an opportunity for
5 you to be heard regarding the future decision that we have
6 called this hearing. Anyone who wishes to speak or make a
7 statement will be given the opportunity to do so.

8 The Missouri River Mainstem system consists of Corps
9 of Engineers constructed and operated projects, so
10 officially, that makes us a project proponent. However,
11 it is our intention that the final decision on the future
12 operational guidelines for these projects reflects a plan
13 that considers all views of all interests focusing on the
14 contemporary and future needs served by the Mainstem
15 system and meets the requirements established by Congress.

16 As the Hearing Officer, my role and responsibility is
17 to conduct this hearing in such a manner as to ensure full
18 disclosure of all relevant facts bearing on the
19 information that we have currently before us. If the
20 information is inaccurate or incomplete, we need to know
21 that, and you can help us make this determination.

22 Ultimately, the final selection of a plan that
23 provides the framework for the future operations of the
24 Mainstem system will be based on the benefits that may be
25 expected to accrue from the proposed plan, as well as the

1 probable negative impacts, including cumulative impacts.
2 This includes significant social, economic and
3 environmental factors.

4 Should you desire to submit a written statement and
5 do not have it prepared, you may send it to the U.S. Army
6 Corps of Engineers in Omaha, and we'll provide the
7 address. You may also fax your comments, and we can
8 provide the fax number if you are interested in that.

9 The official record for this hearing will be open
10 until 28 February 2002. To be properly considered, your
11 written statement must be postmarked by that date.

12 Before I begin taking testimony, I would like to say
13 a few words about the order and procedure that will be
14 followed. When we call your name, please come forward to
15 the lectern, state your name and address, specify whether
16 or not you are representing a group, agency, organization,
17 or if you are speaking as an individual.

18 If you are going to read a statement, we would
19 appreciate it if you could provide a copy to the court
20 reporter prior to speaking, so that your remarks will not
21 have to be taken down verbatim.

22 After all statements have been made, time will be
23 allowed for any additional remarks. During the session
24 I may ask questions to clarify points for my own
25 satisfaction. Since the purpose of this public hearing is

1 to gather information which will be used in evaluating the
2 proposed plan or alternatives to it, and since open debate
3 between members of the audience would be counterproductive
4 to this purpose, I must insist that all comments are
5 directed to me, the Hearing Officer.

6 With the exception of public officials, and
7 apparently we have none tonight, persons will be given an
8 equal opportunity to comment.

9 I will now begin by calling names of those who have
10 submitted cards, beginning with...

11 MR. MOORE: Mark Wilson.

12 MR. WILSON: "Good evening, my name is Mark Wilson
13 and I'm here this evening on behalf of the U.S. Fish and
14 Wildlife Service to issue a brief statement on the Revised
15 Draft Environmental Impact Statement for the Missouri
16 River Master Water Control Manual. I'm also here to
17 personally listen to the comments of the citizens who are
18 here this evening to testify on this important issue.

19 "Under the Endangered Species Act Congress has given
20 the Fish and Wildlife Service primary responsibility for
21 the stewardship of our nation's rarest animals and plants.
22 The Missouri River is home to the endangered pallid
23 sturgeon and least tern, and the threatened piping plover.
24 The decline of these species indicates that the river has
25 changed in ways which now prevent it from sustaining some

1 formerly abundant populations of native fish and
2 wildlife....and suggests that we should consider adjusting
3 our present method of river management and try to restore
4 the Missouri River to a healthier condition.

5 "The Missouri River should provide wildlife habitat,
6 and support fishing, boating and other recreational
7 activities. The river can also act as an enticement for
8 tourism, as well as provide water to drink, to irrigate
9 with and to support navigation...if we moderate and temper
10 these uses and don't allow excessive use to impair the
11 river's ability to provide a wider array of social
12 benefits.

13 "Congress has committed the Federal Government to
14 work to prevent extinctions of rare animals and plants by
15 requiring all Federal agencies to use their authorities to
16 conserve endangered and threatened species. One of the
17 Fish and Wildlife Service's primary roles is to assist
18 other Federal agencies in designing and planning their
19 programs to help them avoid actions that would contribute
20 to further declines of rare species such as the pallid
21 sturgeon, least tern, and piping plover. Over the last
22 12 years our agency has been working with the U.S. Army
23 Corps of Engineers to modernize the management of the
24 Missouri River to help stabilize and hopefully, begin to
25 increase and recover populations of these very rare

1 animals. Our recommended approach was described recently
2 in a document called the 'Missouri River Biological
3 Opinion,' published in November 2000.

4 "Our biological opinion outlines the status of the
5 threatened and endangered species that are associated with
6 the Missouri River and describes the effects that the
7 current management scheme has upon them. The biological
8 opinion also provides a reasonable and prudent alternative
9 to the current operation that we believe will allow the
10 Corps of Engineers to manage the river and also be in
11 compliance with the legal stipulations of the Endangered
12 Species Act.....which in a nutshell says that no federal
13 agency can take actions that would jeopardize the
14 continued existence of a threatened or endangered species
15 or destroy or adversely modify habitat of such species
16 which is determined to be critical. With the biological
17 opinion as a foundation, we will continue to work with the
18 Corps to evaluate the six alternatives for a new Master
19 Manual presented in the Revised Draft Environmental Impact
20 Statement.

21 "Our biological opinion is based on the best
22 available science and includes nearly 500 scientific
23 references. In addition, we sought advice from six
24 respected scientists - 'big river specialists' - who
25 confirmed that there is a need to address flow management,

1 in addition to physically restoring portions of the river
2 channel to a more natural condition. Further, the
3 Missouri River Natural Resources Committee has endorsed
4 the science encompassed within the biological opinion.
5 This is a group comprised of Missouri River management
6 experts from the state fish and wildlife conservation
7 agencies in each of the eight states in the Missouri River
8 basin.

9 "Management changes identified in the biological
10 opinion include a 'spring rise' out of Fort Peck Dam, an
11 improved hatchery operation to assist declining pallid
12 sturgeon populations, restoration of approximately 20% of
13 the lost aquatic habitat in the lower 1/3 of the river,
14 and intrasystem unbalancing of the three largest
15 reservoirs. We are also recommending incorporation of an
16 adaptive management strategy that would include improved
17 study and monitoring of the river.

18 "In closing, the Service endorses the identified goal
19 of the revised master manual - to manage the river to
20 serve the contemporary needs of the Missouri River Basin
21 and Nation. These needs include taking steps to ensure
22 that threatened and endangered species are protected while
23 maintaining many other socioeconomic benefits being
24 provided by the operation of the Missouri River dams. The
25 Service stands behind the science used in the biological

1 opinion and is confident that the operational changes
2 identified in the biological opinion, in addition to
3 subsequent discussions with the Corps, will ensure that
4 rare species of fish and wildlife continue to be a part of
5 the Missouri River's living wildlife legacy.

6 "The Missouri River is a tremendous river, with a
7 cherished and celebrated heritage. Human influence has
8 altered the river greatly. Changes are needed to
9 modernize and restore biologic health to the river - for
10 the benefit of rare species and for people, too."

11 LT. COL. UBBELOHDE: Thank you.

12 MR. MOORE: Buzz Mattelin.

13 MR. MATTELIN: Buzz Mattelin, P.O. Box 601,
14 Culbertson, Montana 59218.

15 My name is Buzz Mattelin. I'm an irrigator and
16 farmer about 15 miles downstream of Poplar, and I would
17 like to thank you for coming to Montana to relieve some of
18 our travel problems to get to these type of meetings.

19 My family's got quite a long history with the river.
20 My grandfather came here in the early 1900s and settled
21 along the river. He was here before the dam. I had a
22 great uncle that died working on the Fort Peck. I have
23 lived here all my life, except for some college years.

24 We've seen lots of changes over these years. In the
25 recent past, in the true pioneer spirit, we decided to

1 help ourselves to the natural resources. We have had a
2 large increase in the irrigation in this reach of the
3 river in the last ten years, probably up in the
4 neighborhood of 40 to 50,000 acres from Fort Peck to the
5 confluence of the Yellowstone. A lot of this expansion
6 has been fueled by increases in high-value crops, such as
7 sugar beets, and a lot of projects that were built based
8 on historic stream flows.

9 And I pulled something off the USGS site this summer,
10 and it gives the stream flow for June 9th through the
11 16th, and out of 54 -- 53 years of record, it ranged
12 between about 8,200 CFS to a height of 9,000.

13 And I guess I'm speaking specifically to the proposed
14 flow modifications out of the Fort Peck. The mini test
15 and full test proposed releases will be about three times
16 what this median daily stream flow would be. This is
17 quite a burden on the irrigators, and as a close
18 assessment, there's about 125 water intakes on this reach
19 of the river. Most of the irrigation is private
20 development, it's not a public -- it's not a government
21 project.

22 There's one government project between Wolf Point and
23 Oswego, it's about 18,000 acres, and on the other side of
24 the confluence to get to the Buford Trenton project, but
25 all the other development in between is private.

1 I guess some of the unknowns with the spring rise on
2 the Fort Peck is how high the water's going to get. And
3 currently there's no flow model that will accurately
4 predict what the stage of the river will be at 23,000 CFS.

5 To back up, I guess, there was a timely thing in the
6 Sunday Billings Gazette (indicating). It talks about
7 farming for produce, and it talks about this
8 Montana/Dakota region, North Dakota and Montana raising
9 high-value crops. And the research centers at Sidney and
10 Williston have done quite a bit of work on vegetables, and
11 specifically sugar beets, potatoes, carrots and onions, as
12 far as providing produce to some of the metropolitan areas
13 and Canada and in the northern United States.

14 Dollar-wise, we can't raise high-value crops if we
15 can't pump water for three weeks every three years, which
16 is the proposed spring rise. The dollar impact is that if
17 we can't raise sugar beets and we are forced into a crop
18 and to wait for water, we are talking about 5 to \$10
19 million on this reach of river.

20 I guess some other concerns that we have -- that
21 I have is rolling the mini test and full test into an
22 RDEIS. We were kind of highlighted in the environmental
23 assessment process with the district, and when we were
24 going through that process we were wondering if we were
25 going to get lost in the vastness of this process.

1 Of the alternatives, I don't see which one's the
2 preferred alternative. It's kind of a moving target when
3 we can't focus on one. It's hard to find anything
4 positive to Fort Peck Lake and this part of Montana and
5 North Dakota in any of the alternatives.

6 Of all the alternatives, I think in only one did
7 Fort Peck stay three feet higher than it did in the '80s.
8 The other ones dropped to the same level.

9 Adaptive management I think is a good thing, as long
10 as there's some local voice in it. I would like to see
11 some type of recovery team maybe in the area for the
12 implementation of the whole test.

13 And I think that's it. Thank you.

14 LT. COL. UBBELOHDE: Thank you.

15 Is there anyone else that wishes to testify? Okay.

16 In closing, I would like to remind you that the
17 hearing administrative record will be open through
18 28 February 2002 for anyone who wishes to submit written
19 facts or fax or electronic comments.

20 Also, if you want to be on our mailing list to
21 receive a copy of the transcript, you need to fill out one
22 of the cards available at the table by the entrance.

23 If there are no further comments, I would like to
24 thank everybody for coming. The session is closed.

25 (Public hearing adjourned.)

1 CERTIFICATE OF REPORTER

2 I certify that the foregoing is a correct transcript
3 from the record of proceedings in the above-entitled
4 matter.

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9 LISA LEWIS DEVINE, RMR DATE

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